

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**BENOISE D. WADE,**

**Defendant.**

**8:07CR179**

**ORDER**

Defendant Benoise D. Wade appeared before the court on October 4, 2013 on Petition for Warrant or Summons for Offender Under Supervision [43] an Amended Petition for Warrant or Summons for Offender Under Supervision [49]. The defendant was represented by Assistant Federal Public Defender Jennifer L. Gilg, and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. The government moved to dismiss Petition [43]. The Court granted the government's motion. Through his counsel, the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. Through counsel, the defendant declined to present any evidence on the issue of detention and otherwise waived a detention hearing. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Senior Judge Strom.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Senior Judge Strom.

**IT IS ORDERED:**

1. Petition for Warrant or Summons for Offender Under Supervision [43] is hereby deemed dismissed.

2. A final dispositional hearing will be held before Senior Judge Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **October 30, 2013 at 10:00 a.m.** Defendant must be present in person.

3. The defendant, Benoise D. Wade, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

4. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

5. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 7<sup>th</sup> day of October, 2013.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge